

## REMARKS

In response to the Final Office Action dated January 13, 2010, further to the Amendment filed May 11, 2010, and pursuant to the previously filed Request for Continued Examination, claims 169, 180 and 190 have been amended. Claims 169-199 are pending in the application.

In paragraph 2 on page 2 of the Office Action, claims 169-177, 180-187, and 190-197 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Herz in view of Alexander.

In paragraph 3 on page 5 of the Office Action, claims 178-179, 188-189 AND 198-199 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Herz in view of Alexander, and in view further view of Gerace.

Applicant respectfully traverses the rejections.

Independent claim 169 sets forth gathering user-related profile data at a client component by monitoring interactions between an iTV user and an iTV to extract data received at the iTV, data transmitted by the user from the iTV and interactions between the user and the iTV, storing the gathered user-related profile data in an interaction database at the client component for processing at the client component to generate content recommendations, periodically retrieving the gathered user-related profile data in the interaction database, building, at the client component, a user profile associated with the user of the iTV based on retrieving the gathered user-related profile data in the interaction database at the client component and data in a local categorized program database at the client component, wherein the user profile includes affinity and

confidence measures for programs and generating, at the client component, content recommendations in an interactive program guide by filtering out content recommendations at the client component determined to be unsuitable to the user based on the affinity and confidence measures for programs in the user profile, wherein the content recommendations are arranged at the client component to reflect a predicted interest of the user based on a comparison of the affinity and confidence measures of the user profile associated with the user to the data retrieved from the local categorized program database to determine an optimum match between programs from the local categorized program database and the affinity and confidence measures of the user profile associated with the user. Independent claims 180 and 190 set forth similar elements.

In contrast, Herz merely teaches a system for delivering programs, where each customer has a profile that is created at the head-end. A set-top box monitors channels the user watches and sends the data back to the head-end. At the head-end, Herz discloses that an agreement matrix is calculated at the head-end by comparing a user's profile to actual profiles of programs. Herz then describes the head-end limits the amount of data sent to the set-top box of the user based on the user profile generated at the head-end. Herz discloses that only that EPG data which matches the profile of the customer is sent to the set-top box of the customer.

Accordingly, Herz fails to disclose storing the gathered user-related profile data in an interaction database at the client component. Instead, Herz explicitly discloses that the data is periodically forwarded to the head-end.

Herz further fails to disclose, teach or suggest periodically retrieving the gathered user-related profile data in the interaction database and building, at the client component, a user profile associated with the user of the iTV based on retrieving the gathered user-related profile data in the interaction database at the client component and data in a local categorized program database at the client component. Again, Herz creates a user profile at the head-end, not at the set-top box or client component of the user.

Herz further fails to disclose, teach or suggest creating a user profile that includes affinity and confidence measures for programs. Rather, Herz discloses that the average number of viewers of each program is determined to generate an agreement matrix. Thus, Herz does not mention using confidence measures.

Herz still further fails to disclose, teach or suggest generating, at the client component, content recommendations in an interactive program guide by filtering out content recommendations at the client component determined to be unsuitable to the user based on the affinity and confidence measures for programs in the user profile. Herz discloses that only content selected at the head-end based on the agreement matrix is even sent to the customer. Thus, Herz cannot suggest filtering out content recommendations at the client component determined to be unsuitable to the user.

Herz also fails to suggest arranging content recommendations at the client component to reflect a predicted interest of the user. Instead, Herz describes the head-end limits the amount of data sent to the set-top box of the user based on the user profile generated at the head-end. According to Herz, the content sent to the customer is not rearranged at the customer, but rather the arrangement is made at the head-end.

In addition, Herz does not compare at the client component the affinity and confidence measures of the user profile associated with the user to the data retrieved from the local categorized program database to determine an optimum match between programs from the local categorized program database and the affinity and confidence measures of the user profile associated with the user. Herz does not use confidence measures. Herz also does not compare the user profile to program characteristics at the set-top box of the customer. Any comparison for determining an optimum match by Herz is performed at the head-end.

Thus, Herz fails to disclose, teach or suggest the invention as defined in independent claims 169, 180 and 190, as amended.

Alexander fails to overcome the deficiencies of Herz. Alexander merely discloses a programming guide that may customize the order of the channel slots presented at the top/beginning of the Grid Guide in descending order according to the viewer's profile. However, Alexander discloses that viewer profile information is sent to the head-end or to the EPG. Alexander discloses that the viewer profile analysis program may be resident at the head-end or in the Internet as part of the EPG. Therefore, Alexander discloses the user profile is not calculated at the set-top box.

Accordingly, Alexander fails to disclose, teach or suggest storing the gathered user-related profile data in an interaction database at the client component. Alexander further fails to disclose, teach or suggest periodically retrieving the gathered user-related profile data in the interaction database and building, at the client component, a user profile associated with the user of the iTV based on retrieving the gathered user-related

profile data in the interaction database at the client component and data in a local categorized program database at the client component. Rather, Alexander discloses that the viewer profile analysis program may be resident at the head-end or in the Internet.

Alexander further fails to disclose, teach or suggest creating a user profile that includes affinity and confidence measures for programs. Rather, Alexander does not mention confidence measures.

Alexander still further fails to disclose, teach or suggest generating, at the client component, content recommendations in an interactive program guide by filtering out content recommendations at the client component determined to be unsuitable to the user based on the affinity and confidence measures for programs in the user profile.

Alexander only discloses that the programming guide may customize the order of the channel slots presented at the top/beginning of the Grid Guide in descending order according to the viewer's profile.

Alexander also fails to suggest does not compare at the client component the affinity and confidence measures of the user profile associated with the user to the data retrieved from the local categorized program database to determine an optimum match between programs from the local categorized program database and the affinity and confidence measures of the user profile associated with the user. Alexander does not use confidence measures. Moreover, Alexander also does not compare the user profile to program characteristics at the set-top box of the customer. Any comparison for determining an optimum match by Alexander is performed at the head-end or in the viewer profile analysis program that is in the Internet.

Thus, Herz and Alexander, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 169, 180 and 190, as amended.

Gerace fails to overcome the deficiencies of Herz and Alexander. Gerace teaches building a profile and receiving a URL of the previously viewed web page and storing cookies. However, Gerace fails to disclose, teach or suggest the user profile includes affinity and confidence measures for programs.

Gerace also fails to disclose, teach or suggest storing the gathered user-related profile data in an interaction database at the client component. Gerace further fails to disclose, teach or suggest periodically retrieving the gathered user-related profile data in the interaction database and building, at the client component, a user profile associated with the user of the iTV based on retrieving the gathered user-related profile data in the interaction database at the client component and data in a local categorized program database at the client component.

Gerace still further fails to disclose, teach or suggest generating, at the client component, content recommendations in an interactive program guide by filtering out content recommendations at the client component determined to be unsuitable to the user based on the affinity and confidence measures for programs in the user profile.

Gerace also fails to suggest does not compare at the client component the affinity and confidence measures of the user profile associated with the user to the data retrieved from the local categorized program database to determine an optimum match between programs from the local categorized program database and the affinity and confidence measures of the user profile associated with the user. Gerace does not mention

confidence measures. Moreover, Gerace also does not compare the user profile to program characteristics at the set-top box of the customer.

Thus, Herz, Alexander and Gerace, alone or in combination, fail to disclose, teach or suggest the invention as defined in new independent claims 169, 180 and 190.

Dependent claims 170-179, 181-189 and 191-199 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 169, 180 and 190, respectively. Further dependent claims 170-179, 181-189 and 191-199 recite additional novel elements and limitations. Applicant reserves the right to argue independently the patentability of these additional novel aspects. Therefore, Applicant respectfully submits that dependent claims 170-179, 181-189 and 191-199 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future

replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725  
for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of  
time fees.

Respectfully submitted,

Merchant & Gould  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(865) 380-5976



A handwritten signature in black ink, appearing to read "David W. Lynch". The signature is fluid and cursive, with a long horizontal stroke at the end.

By: \_\_\_\_\_

Name: David W. Lynch

Reg. No.: 36,204